

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

MURLIN R. PHILLIPS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:03-CV-159-FRB
)	
JON A. KISER,)	
)	
Defendant.)	

ORDER AND MEMORANDUM

This matter is before the Court upon remand from the United States Court of Appeals for the Eighth Circuit. See Phillips v. Kiser, No. 05-2545 (8th Cir. March 23, 2006).¹

In accordance with the Eighth Circuit's instructions, this Court will order that, once the complaint has been properly served, defendant Jon A. Kiser reply to plaintiff's claim regarding defendant's "alleged involvement in ordering . . . solitary confinement to punish [plaintiff]." See id., slip op. at 3; 42 U.S.C. § 1997e(g)(2).

The Court notes that because plaintiff paid the filing fee, he is responsible for serving defendant with a copy of the complaint, as well as a copy of this Order and Memorandum. The

¹Specifically, the Eighth Circuit remanded for further proceedings on plaintiff's claim that defendant was involved in ordering solitary confinement to punish plaintiff, and affirmed this Court's dismissal in all other respects. On May 15, 2006, the Eighth Circuit denied plaintiff's petition for rehearing en banc and for rehearing by the panel, and the mandate issued on May 22, 2006.

Court will grant plaintiff 120 days from the date of this Order to serve defendant. See Fed. R. Civ. P. 4(m).²

In accordance with the foregoing,

IT IS HEREBY ORDERED that, pursuant to this Court's differentiated case management system, this case is assigned to Track 5B (prisoner actions-standard).

IT IS FURTHER ORDERED that, after either being properly served with a copy of the complaint or filing a waiver of service, defendant shall reply, within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure, see 42 U.S.C. § 1997e(g)(2), to plaintiff's claim regarding defendant's alleged involvement in ordering solitary confinement to punish plaintiff. See 42 U.S.C. § 1997e(g)(2).

Dated this 30th day of May, 2006.


UNITED STATES MAGISTRATE JUDGE

²The Court notes that plaintiff may either serve a summons and complaint upon defendant or request defendant to waive service of summons. See Fed. R. Civ. P. 4 (c) and (d). Plaintiff is advised that he may seek guidance on serving defendant from the Office of the Clerk.